IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

MFA.No. 697 of 2002()

OPMV.696/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, WAYANAD, KALPETTA

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APPELLANT/PETITIONER:

SABU JOSEPH AGED 22 YEARS,
S/O. N.J. JOSEPH, RESIDING AT
NELLIKUNNELL HOUSE, MUTTIL POST, KOLAVAYAL,
VYTHIRI TALUK, WAYANAD DISTRICT.

BY ADV. SRI.N.J.ANTONY

RESPONDENTS/RESPONDENTS:

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1. RAMESAN S/O. NARAYANAN,
KOLAKATTUKANDIYIL HOUSE, CHERODE AMSOM
ERAPURAM DESOM, BADAGARA TALUK,
KOZHIKODE DISTRICT.
(DRIVER OF BUS No.KL-11/B-6566.
D.L.No.NOT KNOWN)

2. (V. ABDUL KHADER, S/O. IBRAHIM,
SHAHI COTTAGE, V.O. ROAD,
BADAGARA TALUK, KOZHIKODE DISTRICT
(OWNER OF BUS NO.KL-11/B-6566)).

3. UNITED INDIA INSURANCE CO.LTD.,
KALPETTA, WAYANAD DISTRICT.
(LOCAL BRANCH OF UNITED INDIA INSURANCE CO.LTD.,
SMITHA BUILDING 2ND FLOOR, R.S.PAROUR,
COIMBATORE-641 002. POLICY NO.NOT KNOWN).

(*)THE NAME OF THE 2ND RESPONDENT IS STRUCK OUT FROM THE ARRAY OF PARTIES AT THE RISK OF THE APPELLANT VIDE ORDERS DATED 14.11.07 ON I.A.NO.2647/2007.

R1 BY ADV. SRI.C.VALSALAN
SRI.GHOSH YOHANNAN
R3 BY ADV. SRI.P.JAYASANKAR

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 697 OF 2002

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Dated this the 13th day of December, 2007

J U D G M E N T

Heard. Admitted. Advocate Shri C.Vathsalan takes notice for the first respondent and Advocate Shri Jayasankar takes notice for the third respondent-Insurer. The appeal itself is disposed of.

2. Petitioner sustained injuries in a motor vehicle accident. He filed the petition claiming compensation. The Tribunal, after considering the pleadings and evidence, found that the petitioner sustained only very minor injuries and awarded a sum of Rs.1,450/- as compensation. Challenging the same, this appeal is filed.

3. Considering the nature of the injuries sustained by the petitioner, I am of the view that the Tribunal ought to have awarded at least Rs.3,500/- for pain and suffering. The Tribunal has awarded only Rs.1,000/- on that count. So the petitioner is entitled to get an additional compensation of Rs.2,500/- which will carry interest at the rate of 6%.

In the result, the appeal is allowed in part. An award is

passed in favour of the petitioner allowing him to recover an additional compensation of Rs.2,500/- with 6% interest from the date of petition till date of realisation. The third respondent is directed to deposit that amount also. On deposit, the petitioner can withdraw and the entire amount.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 697 OF 2002

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J U D G M E N T

13TH DECEMBER, 2007